

THE LAW OFFICE OF

ELISA HYMAN, P.C.

July 21, 2022

By ECF

The Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

7/24/2023

The schedule is modified as requested.
SO ORDERED.



Re: *K.S. o.b.o. D.S. v. City of New York, et al./21-cv-4649 (PAC)*

Dear Judge Crotty:

I represent the Plaintiffs in the above-referenced case. I am writing to request an extension of time for Plaintiffs to respond to City Defendants' Motion to Dismiss (ECF Nos.107-108) filed on June 23, 2023. The current deadline for Plaintiffs' opposition and response is July 24, 2023. This is Plaintiffs' first request for an extension of time to submit the response. Plaintiffs are requesting an extension to August 14, 2023. Defendants consent subject to the conditions below.

Unfortunately, there are many reasons for the need for additional time.¹ Absent

City Defendants consent, provided they have the same amount of time to file their Reply. However, since the Reply would then have been due on Labor Day, the parties propose that Defendants have an extra week, until September 11, 2023.

Thus, the schedule would be modified as follows:

1. Plaintiffs' Opposition and Response to the Motion will be filed on August 14, 2023.
2. Defendants' Reply in Further Support will be filed on September 11, 2023.

In addition, I wanted to advise the Court of an update on D.S. D.S. had been expelled from the placement in Florida; he returned to New York and was directly admitted in Bellevue's in-patient psychiatric for several weeks. During that time, DOE Defendants located an out-of-state, state-approved residential placement, the Judge Rotenberg Center ("JRC") in Massachusetts that agreed to accept him as Bellevue was about to discharge him. To address that emergency, JRC agreed to take D.S. and he was placed there on July 17, 2023.

Thank you for Your Honor's consideration of these requests.

¹ These reasons include, among other things: (a) my health issues since mid-June including a surgery on June 21, 2023; (b) one of the lawyers who works with me on this case had a death in her immediate family; and (c) this past week my significant other tested positive for COVID. Further, I am supposed to be out of the country from July 27, 2023 to August 6, 2027 (health permitting).